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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Note verbale dated 26 March 2002 from the Permanent Mission of Armenia to the United Nations Office at Geneva addressed to the secretariat of the fifty-eighth session of the Commission on Human Rights

The Permanent Mission of the Republic of Armenia to the United Nations Office and Other International Organizations at Geneva presents its compliments to the secretariat of the Commission on Human Rights and has the honour to request the circulation of the attached* information as an official document of the fifty-eighth session of the Commission under agenda item 9, "Question of the violation of human rights and fundamental freedoms in any part of the world".

* Reproduced as received, in English only.

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Annex

The truth about the events in Khojaly

Evidence from Azerbaijani sources

For nine years after the events in Khojaly official Baku has been obstinately fanning anti-Armenian hysteria with the aim of falsifying the real events and discrediting the Armenian people in the eyes of the international community.

The events in Khojaly, which led to the deaths of civilians, were the result solely of political intrigues and a struggle for power in Azerbaijan.

The real reasons are most convincingly reflected in the accounts of Azerbaijanis themselves - as participants in and eyewitnesses of what happened - as well as of those who know the whole inside story to the events in Baku.

According to Azerbaijani journalist M. Safarogly, "Khojaly occupied an important strategic position. The loss of Khojaly was a political fiasco for Mutalibov".[1]

Khojaly, along with Shusha and Agdam, was one of the main strongholds from which Stepanakert, the capital of the Nagorny Karabakh Republic, was shelled continuously and mercilessly for three winter months using artillery and missiles and launchers for targeting cities.

Knocking out the weapon emplacements in Khojaly and freeing the airport were the only way for the inhabitants of the Nagorny Karabakh Republic to ensure the physical survival of a population condemned by Azerbaijan to complete annihilation. The daily shelling of Stepanakert from nearby Khojaly took the lives of hundreds of peaceful inhabitants - women, children and old people.

Former President of Azerbaijan, Ayaz Mutalibov, has emphasized that "... the assault on Khojaly was not a surprise attack".[2] In a "Nezavisimaya gazeta" newspaper interview he stated that "a corridor was kept open by the Armenians for people to leave".[3] However, a column of civilians was fired on by armed units of the Popular Front of Azerbaijan on the approaches to the Agdam district border, a fact later confirmed by Ayaz Mutalibov, who linked this criminal act to attempts by the opposition to remove him from power, and blamed it entirely for what happened.

In his recent interview with the "Novoye vremya" magazine, Mutalibov confirms his statement of nine years ago: "The shooting of the Khojaly residents was obviously organized by someone to take control in Azerbaijan".[4]

Similar comments and views concerning the events in Khojaly are known to have been made by several other highly-placed Azerbaijani officials and journalists.

There is, moreover, the conclusion of Azerbaijani journalist Arif Yunusov, which differs somewhat from the previous statements: "The town and its inhabitants were deliberately sacrificed for a political purpose - to prevent the Popular Front of Azerbaijan from coming to power".[5] In this case, though, the Azerbaijanis themselves are named as the perpetrators of the tragedy.

What resulted from the betrayal of the inhabitants of Khojaly by their own highly-placed compatriots is well known. Azerbaijani propaganda has railed to the whole world about the "atrocities of the Armenians", supplying television stations with horrendous pictures of a field strewn with mutilated bodies. Khojaly is claimed to have been "the Armenians' revenge for Sumgait".

Tamerlan Karayev, at one time Chairman of the Supreme Council of the Azerbaijan Republic, bears witness: "The tragedy was committed by the authorities of Azerbaijan", and specifically by "someone highly placed".[6]

The Czech journalist Jana Mazalova, who by an oversight of the Azerbaijanis was included in both of the groups of press representatives to be shown the "bodies mutilated by the Armenians", noted a substantial difference in the two cases. When she went to the scene immediately after the events, Mazalova did not see any traces of barbarous treatment of the bodies. Yet a couple of days later the journalists were shown disfigured bodies already "prepared" for pictures.

Who killed the peaceful inhabitants of Khojaly and then mutilated their bodies, if the tragedy occurred not in a village taken by Armenians or on the route of the humanitarian corridor, but on the approaches to the town of Agdam - on territory fully controlled by the Popular Front of Azerbaijan?

The independent Azerbaijani cameraman Chingiz Mustafayev, who took pictures on 28 February and 2 March 1992, had doubts about the official Azerbaijani version and began his own inquiry. The journalist's very first report to the Moscow news agency "D-press" on the possible complicity of the Azerbaijani side in the crimes cost Mustafayev his life: he was killed not far from Agdam, under circumstances that are still unexplained.

The current President of Azerbaijan, Heydar Aliyev, himself recognized that Azerbaijan's "former leadership were also guilty" of the events in Khojaly. Already in

April 1992, according to the agency Bilik-Dunyasy, he had commented as follows: "The bloodshed will be to our advantage. We should not interfere in the course of events". To whose "advantage" was the bloodletting is clear to everyone. "Megapolis-Express" wrote: "It cannot be denied that if the Popular Front of Azerbaijan actually set far-reaching objectives, they have been achieved. Mutalibov has been compromised and overthrown, public opinion worldwide has been shaken, and the Azerbaijanis and their Turkish brethren have believed in the so-called "genocide of the Azerbaijani people in Khojaly".[7]

One other tragic detail. It has become clear since the events that 47 Armenian hostages were already being held on 26 February in "peaceful" Khojaly, a fact that the Azerbaijani mass media "covering" the tragedy have failed to mention. After the liberation of Khojaly only 13 hostages (including 6 women and 1 child) were found there, the other 34 having been taken away by the Azerbaijanis to an unknown location. The only thing known about them is that they were led from the village on the night of the operation, but never reached Agdam. There is still no information concerning what eventually happened to them or confirming that they continued to be held captive by the Azerbaijanis.

Obviously, those who wanted to create the impression that bodies had been mutilated by the Armenians first of all disfigured the bodies of those same Armenian hostages, in order to make it impossible to identify them. Precisely for that purpose the outer clothing was removed from many of the bodies, and precisely for that reason the bodies of the unfortunate victims were damaged so badly that they became unrecognizable.

In the light of the above facts it may confidently be said that the killing of peaceful inhabitants of the village of Khojaly and of the Armenian hostages being held there was the work of the Azerbaijani side, which committed this crime against its own people in the name of political intrigues and the struggle for power.

Notes

[1] "Nezavisimaya gazeta" newspaper, February 1993.

[2] "Ogonek" magazine, Nos. 14-15, 1992.

[3] "Nezavisimaya gazeta" newspaper, 2 April 1992.

[4] "Novoye vremya" newspaper, 6 March 2001.

[5] "Zerkalo" newspaper, July 1992.

[6] "Mukhalifat" newspaper, 28 April 1992.

[7] "Megapolis-Express", No. 17, 1992.

NAGORNO KARABAKH AND ARMENIA

A report by Physicians for Human Rights (UK)
on the abduction and torture of ethnic Armenians

SUMMARY

In late summer 1997, four members of Physicians for Human Rights (UK) carried out an investigation that confirmed the alleged practice of hostage taking and torture of ethnic Armenians by Azeris. Two physicians, a psychiatrist and a mental health social worker interviewed and examined 67 subjects.

These subjects had been taken hostage from Nagorno Karabakh, Armenia, Azerbaijan, Georgia, Turkey and Ukraine. Nationals of Georgia, Ukraine and Turkey have also participated in the abduction of Armenians, at times for financial gain. Equal proportions of three-quarters of the subjects were abducted from either Azerbaijan or NK. Two subjects who were abducted in Georgia and one who was arrested in Ukraine were sold to Azeris. A woman arrested in Turkey was transferred to Azerbaijan.

According to the Report, published in 1997, the arrest or capture of hostages had taken place between 1990 and 1996, that is not only during, but also before and after the period of military activities. At the time of abduction victims were aged between 1 and 73 years of age. Five were still children of less than 15 years.

All 67 subjects had been imprisoned in Azerbaijan. Twenty of them were held hostage by civilians, 47 subjects were held in prison or equivalent official place of detention. Those held by civilians had been bought from Azeri authorities specifically to be exchanged for their relatives. Testimonial evidence suggests that Azeri authorities have in many cases murdered imprisoned ethnic Armenians.

All 67 *hostages* have given credible testimonies of abduction and captivity lasting between 2 weeks and five years, during which all 67 had been subjected to varying degrees of both physical and non-physical torture.

All had endured beatings, often daily. Up to 50% of subjects has suffered some form of sexual violence and a wide variety of other physical and psychological tortures. Most subjects exhibited some degree of psychological trauma and up to 90% may have developed a clinically significant psychiatric disorder as a consequence of their experience.

Subjects either passively witnessed, or were deliberately forced to witness 35 itemised atrocities perpetrated on fellow prisoners including rape, beatings and murder.

Information alleging health care workers involvement in torture was collected. Nine Azeri doctors were described as either torturing or neglecting Armenians. 10 subjects described Azeri doctors taking part in physical maltreatment of patients including beatings and major surgeries without anaesthetic.

Personal statements confirmed by examination, have lead the delegates of the Physicians for Human Rights (UK) to believe that Azerbaijan has breached the following international Conventions of human rights since the time they acceded to them between August 1992 and August 1996:

- The International Covenant on Civil and Political Rights,
- The Convention on the Rights of the Child,
- The International Convention on the Elimination of All Forms of Racial Discrimination,
- The Convention on the Elimination of All Forms of Discrimination against Women,
- The Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment,
- The Convention on the Prevention and Punishment of the Crime of Genocide.

In addition, there is an abundance of information suggesting that further conventions have been breached, and that several fundamental human rights, as laid out by the UN in the Universal Declaration, ignored.

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